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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/528,707	01/12/2006	Gay Joyce Cornelius	102792-436 (11134P1)	8901

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NORRIS, MCLAUGHLIN & MARCUS  
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EXAMINER

MAI, TRI M

ART UNIT PAPER NUMBER

3781

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/23/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/528,707

Applicant(s)

CORNELIUS ET AL.

Examiner

Tri M. Mai

Art Unit

3781

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |  |
|---|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                      | 5) <input type="checkbox"/> Notice of Informal Patent Application                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____  |

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1. Claims 1-5, 7-8, and 10-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over either Marcellis (5788067) or Stephenson (2315909) in view of JP 11089699. Marcellis teaches a clothes cover having front and rear surfaces connected together along their sides and upper peripheral edges but not along the lowermost peripheral edges wherein an opening is formed in the front surface of the enclosure forming a pair of flaps 16 as claimed. Stephenson teaches a clothes cover having front and rear surfaces connected together along their sides and upper peripheral edges but not along the lowermost peripheral edges wherein an opening is formed in the front surface of the enclosure forming a pair of flaps 9 and 10. Stephenson meets all claimed limitations except for the clothing cover being made from an odor absorbing material.

JP 699 teaches that it is known in the art to make a cover from an odor absorbing material. It would have been obvious to one of ordinary skill in the art to make a cover from a material with an odor absorbing material.

It would have been obvious to one of ordinary skill in the art to make a clothes cover from a material with an odor absorbing material to removing bad odor from the clothes.

Regarding claims 7-8, it would have been obvious to one of ordinary skill in the art to provide the odor absorbing material in the amount as claimed to provide the desired effect of the odor absorbing material.

Official notice is taken that it is known in the art to provide a bag made with material as set forth in claim 4. It would have been obvious to one of ordinary skill in the art to make the material from the material as set forth in claim 4 to provide the desired material for the clothes cover.

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Regarding claim 5, note titanium oxide in JP699.

2. Claims 1-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stephenson (2315909) in view of JP 8266388 or Sesselmann (5539930). JP 388 teaches that it is known in the art to a clothes cover from odor absorbing sheet applied to a non-woven sheet with active carbon for absorbing odor. Sesselmann teaches that it is known in the art to provide a bag (see figures) with carbon-activated layer. It would have been obvious to one of ordinary skill in the art to make the cover from a material with an odor absorbing sheet as taught by JP 388 or Sesselmann to removing bad odor from the clothes.

Regarding claim 4, it would have been obvious to one of ordinary skill in the art to provide the sheet of material from the material as set forth to provide the desired material for the clothes cover.

Regarding claim 13, portion 13 is the slit as claimed.

With respect to the amount of odor absorbing material, it would have been obvious to one of ordinary skill in the art to provide the amount as claimed to provide the desired amount of odor material as needed. A change in proportion is generally recognized as being within the level of ordinary skill in the art. ( see In re Rose, 105 USPQ 237 (CCPA 1955), and In re Tanczyn, 44 CCPA 704, 766, 241)

3. Applicant's arguments have been fully considered but they are not persuasive. Applicant asserts that there is no motivation to combine the references. With respect to the combination of either Marcellis (5788067) or Stephenson (2315909) in view of JP 11089699. JP 699 teaches that it is known in the art to provide a cover made from polymeric material with titanium oxide

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which is the same material being used in applicant's absorbent. The examiner submits that to use the material of titanium oxide would have been obvious.

With respect to the combination of Stephenson in view of JP 8266388 or Sesselmann, the examiner noted that JP 388 teaches that it is known in the art to provide active carbon powder is fixed by a hot melt agent between sheets to form a deodorizing laminated sheet for the cover. Sesselmann also teaches a bag with active carbon affixed by agent to the material for various types of bags. Thus, to provide active carbon as odor absorbent would have been obvious since both JP 8266388 or Sesselmann are directed to cloth holding bags similar to that of Stephenson.

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tri M. Mai whose telephone number is (571)272-4541. The examiner can normally be reached on 7:30am-5:00pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Stashick can be reached on (571)272-4561. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Tri M. Mai   
Primary Examiner  
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